

U.S. Sentencing Commission votes for changes to crack cocaine sentencing guidelines!

WASHINGTON, D.C.: For the first time in 12 years, the U.S. Sentencing Commission has approved guideline changes to federal crack cocaine penalties, tonight by a 6-1 vote. The amendment affects approximately 78 percent of defendants convicted of crack cocaine offenses, reducing their sentences by an average of 16 months. It will now be sent to Congress on May 1, 2007, along with other proposed sentencing amendments.

"While this incremental change is a far cry from the 'equalization' of crack and powder cocaine the Commission recommended in 1995, it is a long overdue first step to improving crack sentences," said Julie Stewart, president of Families Against Mandatory Minimums (FAMM), a national, nonpartisan sentencing reform organization.

For 15 years the Commission has researched crack cocaine and its penalties and concluded current federal crack sentences are unjustifiable. Among the findings from its 2002 report to Congress, "Cocaine and Federal Sentencing Policy," are that crack penalties

1. exaggerate the relative harmfulness of crack cocaine
2. sweep too broadly and apply most often to lower level offenders
3. overstate the seriousness of most crack cocaine offenses and fail to provide adequate proportionality
4. and mostly impact minorities

Despite this evidence, Congress and the U.S. Sentencing Commission have been in a stalemate for a dozen years over how to improve crack sentences. During that time, nearly 56,000 people were sentenced under the harsh federal crack cocaine statutes and guidelines. Now, the U.S. Sentencing Commission has taken the bold step of saying enough is enough.

"While the Commission's amendment does not solve the problem of excessive crack cocaine penalties it moves us closer to that goal, which is why FAMM supports the Commission's crack amendment," says Stewart.

Congress has six months to consider the amendments before they automatically take effect on November 1, 2007. Congress would have to pass bills in both the House and Senate to stop the amendment. It is highly unlikely such an action will happen this year. If passed, the amendment will not affect people sentenced before November 1, 2007.

The U.S. Sentencing Commission's crack guideline amendment will be accompanied by language to Congress that urges them to address the crack cocaine mandatory minimum. Combined changes to the sentencing guidelines and mandatory minimum statutes for crack cocaine would result in more appropriate penalties for roughly 5,000 defendants who face crack sentences each year. With their faces in mind, FAMM applauds the Commission for acting on an injustice that can no longer be tolerated.

Families Against Mandatory Minimums (FAMM) is a national, nonpartisan, nonprofit organization that promotes just sentencing policies. For more information, visit: www.famm.org.